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February 25, 2022

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***Via ECF***

Honorable Valerie Caproni  
United States District Judge  
United States District Court  
Southern District of New York  
40 Foley, Square, Room 443  
New York, New York 10007

**MEMO ENDORSED**

**Re: Claimant: Jamil Khan**  
**Case No.: 1:21-cv-00493-VEC**  
**Date of Birth: xx/xx/xxxx**  
**Social Security #: xxx-xx-xxxx**  
**LSK&D #: 630-0125**

Dear Honorable Judge Caproni:

I represent the defendants, MICHAEL L. WOODS and ESCOT BUS LINES LLC, in this matter.

Your Honor has scheduled this matter for trial on May 9, 2022. In reviewing my calendar I recently realized that I am scheduled to start a trial in state court on May 3, 2022. That case Gunsberg v Boro Park Operating Co. is pending in the Supreme Court Kings County under index number 511858/2015. It was previously scheduled for trial in April 2020 and obviously has been delayed by the pandemic. We received that May trial date at a conference on December 10, 2021.

In light of that conflict I would request a week's adjournment of the trial of this matter to May 16, 2022. There have been no previous requests for a trial adjournment. I have conferred with plaintiff's counsel Michael Krisfeld who indicated that his trial attorney has other matters scheduled later in the month and in June. If May 16 is not available, I am available in July except for the week of 10 or August except for the week of the 28<sup>th</sup>.

Respectfully Submitted,

*s/Gerald Gunning*

Gerald Gunning, Esq.

GG:mm  
4876-1251-2529

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cc:

***Via ECF***

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Attorneys for Plaintiff

Defendants' request that the May 9, 2022 trial date be adjourned is GRANTED. The Court will re-schedule the trial and final pretrial conference in the coming weeks.

The Court reminds the parties that any motions *in limine*, including any *Daubert* motions, are due no later than **Friday, March 11, 2022**. Responses are due no later than **Friday, March 25, 2022**. The joint pretrial order, which must comply with the Undersigned's Individual Practices in Civil Cases, is due no later than **Friday, April 8, 2022**. Pre-marked trial exhibits, requests to charge, and proposed *voir dire* questions (with the *voir dire* questions focusing only on the particular facts of this dispute) are due no later than **Friday, April 8, 2022**. See Order, Dkt. 34.

Additionally, a joint update on the status of the settlement negotiations and the prospect for settlement of this case is due no later than **Monday, March 7, 2022**. Although the Court understands that the parties have engaged a mediator on their own, *see* Letter, Dkt. 35, if both parties want a settlement conference with Magistrate Judge Netburn, they may submit a joint letter requesting a referral at any time.

SO ORDERED.



Date: February 25, 2022

HON. VALERIE CAPRONI  
UNITED STATES DISTRICT JUDGE